

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO CASES IDENTIFIED
ON THE ATTACHED EXHIBIT A:

ORDER

(Dismissing the “Ethicon Defendants” with Prejudice
and Transferring Cases to MDL 2326)

Pending in each of the individual civil actions listed on Exhibit A (attached hereto) is a Motion to Dismiss With Prejudice, filed by the Ethicon defendants as identified in the motions (collectively referred to as the “Ethicon defendants”) pursuant to the procedures established by Pretrial Order # 329. *See* Pretrial Order (“PTO”) # 329, *In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, No. 2:12-md-2327 (“Ethicon MDL 2327”) [ECF No. 7576]. The plaintiff or plaintiffs in each case identified on Exhibit A did not file an objection, and the matter is ripe for consideration.

The Ethicon defendants have complied with the procedures set forth in PTO # 329, and the plaintiffs have not filed an opposition. It appearing to the court that the plaintiffs and the Ethicon defendants have jointly agreed to settle, and have settled their claims, the dismissal of the Ethicon defendants in each case identified on Exhibit A is appropriate. Additionally, the court notes that dismissing the Ethicon defendants from these cases should leave no active defendants from MDL 2327.

For any case on Exhibit A that was subject to the Pretrial Order (Docket Control Order) entered on January 30, 2018, as amended on June 13, 2018 (hereinafter collectively referred to as the “Omnibus PTO”) and is being transferred by this order to C. R. Bard, Inc. MDL 2187, American Medical Systems, Inc. MDL 2325, Boston Scientific Corporation MDL 2326 or Ethicon, Inc. MDL 2327, the court will no longer direct the Clerk to file in each individual case, the Omnibus PTO that corresponds to the MDL in which the case is being transferred.¹ All deadlines in the Omnibus PTO were the same across the MDLs cited above and all deadlines have since passed. Thus, the court finds it unnecessary to docket the corresponding Omnibus PTO for the MDL to which the case is being transferred. Any provisions of the Omnibus PTO continue to apply.

The court **ORDERS** that:

1. the Motion to Dismiss with Prejudice is **GRANTED**; and
2. the Ethicon defendants are **DISMISSED WITH PREJUDICE** from the actions listed on the attached Exhibit A;
3. if there are no remaining defendants in a civil action, then (a) that civil action is dismissed with prejudice and stricken from the docket and (b) any pending motions are **DENIED** as moot; and,
4. if other defendants remain in a civil action, then those actions are **TRANSFERRED** to MDL 2326.

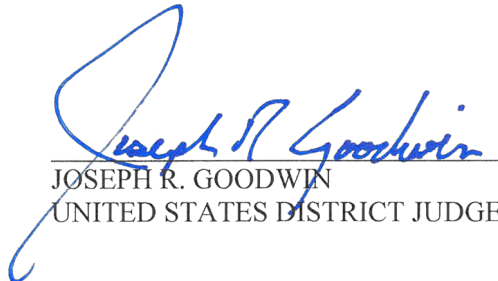
The court **DIRECTS** the Clerk to:

- (1) dismiss the Ethicon defendants from the individual civil action(s) with prejudice;

¹ The Docket Control Orders entered in MDL 2187 – Wave 7, MDL 2325 – Wave 3, MDL 2326 – Wave 4 and MDL 2327 – Wave 8, on January 30, 2018 (as amended on June 13, 2018), set identical discovery dates, and pretrial motion dates. The Docket Control Orders were identical except for the necessary changes to make it applicable to each MDL.

- (2) if no other defendants remain in an individual action, then (a) strike the action from the docket, and (b) close the case;
- (3) if there are remaining defendants in an individual action, then (a) transfer the case to the MDL 2326, (b) disassociate the case from MDL 2327 and associate the case with MDL 2326, and (c) if the case has a Wave flag set from the Omnibus Order, then change the Wave flag to the appropriate Wave flag;
- (4) file a copy of this Order in MDL 2327 and in each individual case on the attached Exhibit A; and
- (5) send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 20, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

	Civil Action No.	Case Style	ECF No.
1	2:12-cv-00383	Helems, Laura & Billy, Jr. v. Ethicon, Inc., et al	37
2	2:12-cv-01613	Guenther, Mary M. v. Ethicon, Inc., et al	37
3	2:12-cv-02068	Marion, Mary & William v. Ethicon, Inc., et al	35
4	2:12-cv-04003	Lawrence, Edith & John v. Ethicon, Inc., et al	33
5	2:12-cv-06030	Thompson, Debra W. & Samuel E. v. Ethicon, Inc., et al	22
6	2:12-cv-09705	Froemming, Penny & Larry v. Ethicon, Inc., et al	50
7	2:13-cv-00150	Schulke, Cindi v. Ethicon, Inc., et al	24
8	2:13-cv-00946	Hanney, Betty v. Ethicon, Inc., et al	22
9	2:13-cv-04100	Hill, Oneida S. & Thomas J. v. Ethicon, Inc., et al	27
10	2:13-cv-05129	Hicks, Willa Louise v. Ethicon, Inc., et al	28
11	2:13-cv-08403	Turley, Roberta v. Ethicon, Inc., et al	19
12	2:13-cv-08657	Dyer, Mona K. v. Ethicon, Inc., et al	18
13	2:13-cv-09535	Kosicky, Lucia & Josef v. Ethicon, Inc., et al	19
14	2:13-cv-11923	Carl, Janice v. Ethicon, Inc., et al	21
15	2:13-cv-12287	Shrode, Jackie v. Ethicon, Inc., et al	21
16	2:13-cv-12392	Boardman, Connie v. Ethicon, Inc., et al	19
17	2:13-cv-13508	Cox, Brenda K. v. Ethicon, Inc., et al	15
18	2:13-cv-13680	White, Cherril & Jimmy Don, Jr. v. Ethicon, Inc., et al	18
19	2:13-cv-15924	Grote, Catherine & Stewart v. Ethicon, Inc., et al	26
20	2:13-cv-16167	Stapleman, Sharlene & Ronald v. Ethicon, Inc., et al	20
21	2:13-cv-18663	Campbell, Sharon v. Ethicon, Inc., et al	17
22	2:13-cv-18849	Hunt, Sonya v. Ethicon, Inc., et al	18
23	2:13-cv-20101	Hauss, Teresa & Chris v. Ethicon, Inc., et al	25
24	2:13-cv-20257	Davis, Peggie v. Ethicon, Inc., et al	17
25	2:13-cv-20405	Jellings, Jane v. Ethicon, Inc., et al	17
26	2:13-cv-20407	Stalnaker, Margaret & Richard v. Ethicon, Inc., et al	18
27	2:13-cv-23380	Stitt, Donna & Michael v. Ethicon, Inc., et al	18
28	2:13-cv-24591	Borushko, Sherry & Robert v. Ethicon, Inc., et al	13
29	2:13-cv-24677	Carreon, Juana v. Ethicon, Inc., et al	15
30	2:13-cv-26103	Nachbar, Linda & Duane v. Ethicon, Inc., et al	13
31	2:13-cv-26985	Mark, Dawn A. Roberts & Damian J. v. Ethicon, Inc., et al	16
32	2:13-cv-32410	Chenoweth, Betty & Darrin v. Ethicon, Inc., et al	17
33	2:13-cv-33158	Allen, Bridget v. Ethicon, Inc., et al	23
34	2:13-cv-33855	Perry, Christie v. Ethicon, Inc., et al	12
35	2:14-cv-04951	Humphrey, Debra v. Ethicon, Inc., et al	17
36	2:14-cv-06048	Lamaster, Lavon v. Ethicon, Inc., et al	14
37	2:14-cv-06473	Williams, Karen v. Ethicon, Inc., et al	14
38	2:14-cv-08619	Webb, Janet v. Ethicon, Inc., et al	14
39	2:14-cv-10565	Keimig, Mary Lou v. Ethicon, Inc., et al	18
40	2:14-cv-11883	Cantrell, Marie v. Ethicon, Inc., et al	12
41	2:14-cv-12953	Bryan, Julia Elaine v. Ethicon, Inc., et al	14
42	2:14-cv-13048	Colley, Paige v. Ethicon, Inc., et al	16

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	Civil Action No.	Case Style	ECF No.
43	2:14-cv-15479	Eno, Anne v. Ethicon, Inc., et al	22
44	2:14-cv-18401	Hernandez, Rachel v. Ethicon, Inc., et al	15
45	2:14-cv-22133	Genske, Deanna L. (f/k/a Deanna L. Krause) v. Ethicon, Inc., et al	14
46	2:14-cv-22364	Szymanski, Catherine v. Ethicon, Inc., et al	16
47	2:14-cv-25898	Hawkins, Marlene v. Ethicon, Inc., et al	10
48	2:14-cv-26246	Smith, Virginia K. v. Ethicon, Inc., et al	20
49	2:14-cv-26568	Campbell, Rose & Harry v. Ethicon, Inc., et al	17
50	2:14-cv-30144	Jones, Brenda v. Ethicon, Inc., et al	13
51	2:14-cv-30487	Beyer, Beverly & Gary v. Ethicon, Inc., et al	14
52	2:15-cv-04454	Garza, Irma Eugenia & Victor Lubin v. Ethicon, Inc., et al	19
53	2:15-cv-05160	Walden, Patricia & Donald v. Ethicon, Inc., et al	15
54	2:15-cv-06246	Weisbeck, Abelena B. v. Ethicon, Inc., et al	26
55	2:15-cv-09040	Meadows, Jacque & Robert v. Ethicon, Inc., et al	19
56	2:15-cv-09662	McCorquodale, Ann v. Ethicon, Inc., et al	17
57	2:15-cv-13056	Sheetz, Stephanie A. & Thomas v. Ethicon, Inc., et al	14
58	2:15-cv-15597	Lackey-Putnam, Kathy & William C. v. Ethicon, Inc., et al	13
59	2:15-cv-15943	Dean, Sherilyn & Bobbie L. v. Ethicon, Inc., et al	17
60	2:15-cv-16379	Barton, Linda v. Ethicon, Inc., et al	19
61	2:16-cv-01151	Guay, Dorothy v. Ethicon, Inc., et al	12
62	2:16-cv-03270	Reynolds, Shirley v. Ethicon, Inc., et al	17
63	2:16-cv-03379	Garner, Nancy v. Ethicon, Inc., et al	15
64	2:16-cv-03385	McClain, Teresa v. Ethicon, Inc., et al	17
65	2:16-cv-03485	Horne, Wanda & Allard, II v. Ethicon, Inc., et al	16
66	2:16-cv-03529	Schutt, Connie v. Ethicon, Inc., et al	15
67	2:16-cv-04106	McMillen, Cheryl v. Ethicon, Inc., et al	13
68	2:16-cv-04910	Herbowy-Hubalek, Karen & Jeremy v. Ethicon, Inc., et al	15
69	2:16-cv-07873	Everett, Azeneth v. Ethicon, Inc., et al	13
70	2:16-cv-09837	Hatton, Barbara & Lynnwood W. v. Ethicon, Inc., et al	24
71	2:17-cv-01797	Colvin, Norma & Thomas W. v. Ethicon, Inc., et al	13
72	2:17-cv-01941	Dugger, Barbara v. Ethicon, Inc., et al	15
73	2:17-cv-02155	Jordan, Martha & Joseph v. Ethicon, Inc., et al	22
74	2:17-cv-02186	Story, Jayme & William v. Ethicon, Inc., et al	21